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Official Report of Debates (Hansard)

Wednesday 8 March 2017

Journal des débats (Hansard)

Mercredi 8 mars 2017

Standing Committee on General Government

School Boards Collective
Bargaining Amendment Act, 2017

Comité permanent des affaires gouvernementales

Loi de 2017 modifiant la Loi sur la
négociation collective dans les
conseils scolaires



Chair: Grant Crack
Clerk: Sylwia Przedziecki

Président : Grant Crack
Greffière : Sylwia Przedziecki

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CHAPTER 10

The first part of the chapter discusses the importance of the study of the history of the United States. It is a subject that is often overlooked, but it is one that is essential to a full understanding of the country. The second part of the chapter discusses the importance of the study of the history of the world. It is a subject that is often overlooked, but it is one that is essential to a full understanding of the world.

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Wednesday 8 March 2017

Mercredi 8 mars 2017

*The committee met at 1600 in committee room 1.*SCHOOL BOARDS COLLECTIVE
BARGAINING AMENDMENT ACT, 2017LOI DE 2017 MODIFIANT
LA LOI SUR LA NÉGOCIATION
COLLECTIVE DANS LES CONSEILS
SCOLAIRES

Consideration of the following bill:

Bill 92, An Act to amend the School Boards Collective Bargaining Act, 2014 and make related amendments to other statutes / Projet de loi 92, Loi modifiant la Loi de 2014 sur la négociation collective dans les conseils scolaires et apportant des modifications connexes à d'autres lois.

Le Président (M. Grant Crack): Bon après-midi, tout le monde.

Good afternoon, everyone. I'd like to call the Standing Committee on General Government to order. This afternoon we are gathered to participate in the public hearings aspect of Bill 92, An Act to amend the School Boards Collective Bargaining Act, 2014 and make related amendments to other statutes.

I remind all members that we are on an order from the House. All deputants will have up to five minutes for their presentations, followed by three minutes of questioning from each of the three parties. Also, I believe that we will either be having one or two of the presentations dans la langue française, alors j'espère que tout le monde est prêt pour ça.

ONTARIO PUBLIC SCHOOL BOARDS'
ASSOCIATIONONTARIO CATHOLIC SCHOOL TRUSTEES'
ASSOCIATIONONTARIO PUBLIC SCHOOL BOARDS'
ASSOCIATIONASSOCIATION FRANCO-ONTARIENNE
DES CONSEILS SCOLAIRES
CATHOLIQUESASSOCIATION DES CONSEILS SCOLAIRES
DES ÉCOLES PUBLIQUES DE L'ONTARIO

The Chair (Mr. Grant Crack): I would like to call upon our first deputants. From the Ontario Public School

Boards' Association, je pense que Donna Danielli is with us this afternoon, representing four different school board groups.

Bienvenue. Welcome. Bonjour, monsieur Lemay. The floor is yours. You have up to five minutes.

Ms. Donna Danielli: Thank you very much. Good afternoon, Mr. Chair and members of the committee. My name is Donna Danielli. I'm a regional vice-president and a member of the executive council of the Ontario Public School Boards' Association, OPSBA. Joining me today are Pat Daly, president of the Ontario Catholic School Trustees' Association, OCSTA; Jean-François L'Heureux, vice-president of the Association des conseils scolaires des écoles publiques de l'Ontario, ACÉPO; and Jean Lemay, president of the Association franco-ontarienne des conseils scolaires catholiques, AFOCSC.

Our school board and trustee associations represent all 72 English and public Catholic school boards across Ontario. We thank you for this opportunity to address the Standing Committee on General Government on these important proposed amendments to the School Boards Collective Bargaining Act, 2017—"the act."

We also want to thank the Ministry of Education for the consultations leading up to the proposed changes to the act, and for the proposed changes that will improve the effectiveness of the central bargaining process.

However, we would like to also draw your attention to the absence of some critical changes that our associations have proposed to the Ministry of Education that were not included in Bill 92. These changes would further improve the bargaining process and increase stability within the education sector. We commend the government for its efforts in extending the current collective agreements and making that possible with the related amendments to the act.

We believe that teachers and education workers deeply influence a positive and productive learning environment for students. They are supported in their roles through the stability engendered by successfully negotiated collective agreements. Amending the act to allow for the negotiated two-year contract extensions will promote stability in the sector and result in positive outcomes for students, teachers and other staff.

M. Jean-François L'Heureux: L'un des rôles principaux des conseils scolaires consiste à se montrer sensible, à l'échelon local, aux attentes des parents d'enfants et d'adolescents d'âge scolaire. Les parents en

Ontario s'attendent à ce que les conseils scolaires protègent la qualité de l'éducation dans la salle de classe. Ils s'attendent à ce que les conseils scolaires protègent l'avenir du système d'éducation en prenant des décisions qui sont radicalement axées sur ce qui est dans le meilleur intérêt de tous les élèves et du milieu d'apprentissage.

Les quatre associations d'employeurs ont joué un rôle essentiel dans l'élaboration de la loi et, par suite de son adoption en 2014, dans le processus de négociation collective aux tables centrales, à titre d'agents négociateurs patronaux désignés pour leurs conseils scolaires respectifs.

À titre d'agents négociateurs patronaux désignés, nous avons acquis de précieuses connaissances et perspectives sur le processus de négociation collective durant la première ronde de négociation centrale en vertu de la nouvelle loi. C'était un territoire inconnu pour tous les intervenants concernés : la Couronne, les groupes d'employés et les associations des conseils scolaires et des conseillers scolaires. Nous sommes ravis d'avoir eu l'occasion d'échanger des leçons apprises dans le cadre des quatre séances de consultation du gouvernement visant à examiner et à amender la loi, en vue de rendre le processus de négociation collective dans le secteur de l'éducation plus stable et uniforme.

Aujourd'hui, toutefois, bien que certaines des modifications proposées soient utiles, nous sommes ici pour exprimer notre profonde inquiétude face au fait que les amendements proposés au projet de loi 92 ne tiennent pas compte de certaines des recommandations fondamentales qui ont été échangées à plusieurs reprises durant le processus de consultation.

Mr. Pat Daly: A joint letter, dated February 10, was sent to the Honourable Mitzie Hunter, the Minister of Education, on behalf of the four trustee/school board associations. The letter reflected our collective concerns and outlined our position on some key issues which were raised during the consultations.

First, our most pressing concern is the need for sequenced bargaining. This would require the completion of the central bargaining prior to the commencement of local bargaining. Currently, the act permits for simultaneous central and local bargaining, and accordingly, simultaneous labour disruptions at both the central and local level. Such potential job action could take a variety of forms, such as full, rotating and/or partial strikes and withdrawal of services at either or both the central or local level. Of particular concern is the potential impact of synchronized levels of labour disruption in a single round of bargaining.

During every consultation with the government, all four of our associations articulated their strong desire for an amendment to the act calling for sequenced bargaining, which would require the completion of central bargaining prior to the commencement of local bargaining. We are unanimous in our firm belief that an amendment calling for sequenced bargaining would reduce potential disruption for parents and students and provide

greater stability within the sector. Ultimately, and we can't stress this enough, it would be in the best interests of students. This input, unfortunately, was not tabled for amendment by the government.

Secondly, the proposed amendments did not address the possibility of continuous and simultaneous sanctions within the sector of the unions representing teachers and education workers at both the central and local level. This is particularly worrisome. The proposed amendments would structure the act in such a way as to allow for the possibility of collective agreements expiring at different times. Accordingly, the education sector could find itself in a state of perpetual sanction. This is not in the best interests of students and has the real possibility of eroding public confidence in our publicly funded education system. Again, however, this input was not tabled for amendment.

In addition, the original language in the act requires the trustee/school board associations to seek crown consent prior to issuing notice or engaging in a central lockout or alteration of any central terms and conditions of employment.

The proposed amendment in Bill 92 changes the language from associations requiring crown consent to requiring the crown's mutual agreement. As the designated employer of bargaining agents, the original provision in the act and the subsequent proposed amendment result in the same outcome: It hampers the trustee/school board associations' ability to quickly and effectively respond to labour disruptions, potentially prolonging the impact on students.

Changing the word "consent" to "mutual agreement" makes little difference to our ability to address labour disruption in a timely manner and results in the potential for increased instability and uncertainty for parents and students. We are skeptical that there is any practical consequence to the proposed change in language concerning crown approval of lockouts and changes in central terms and conditions during an open period. We strongly recommend that this section of the act be further reviewed and amended.

Jean?

M. Jean Lemay: Le 21 février, lors du dépôt à la Chambre des communes du projet de loi 92, Loi de 2017 modifiant la Loi sur la négociation collective dans les conseils scolaires, la ministre a déclaré : « S'ils sont adoptés, les amendements proposés amélioreront l'uniformité et la transparence du processus de négociations collectives, offriront une plus grande souplesse à toutes les parties et régleront les problèmes techniques pour améliorer le cadre de négociations à deux niveaux déjà efficace. »

Nous appuyons entièrement les efforts déployés par le gouvernement à cet égard, et nous croyons que la plupart des amendements appuient cet objectif. Toutefois, l'absence des amendements proposés pour ces enjeux critiques mine l'esprit de collaboration au sein de notre partenariat avec le gouvernement et pourrait empêcher les conseils scolaires d'assumer leur responsabilité qui

consiste à assurer la réussite scolaire et le bien-être des élèves, comme l'exige la Loi sur l'éducation.

Pour ces raisons, monsieur le Président, nous demandons au comité permanent d'amender le projet de loi de la façon dont nous l'avons proposé. Nous croyons que ces amendements engendreront un milieu d'apprentissage plus stable pour les élèves et que, en fin de compte, ils amélioreront les résultats scolaires.

Nous vous remercions de tenir compte de nos recommandations concernant cette législation d'importance critique.

1610

Le Président (M. Grant Crack): Merci beaucoup. On va commencer avec l'opposition.

We're going to start with the opposition. Mr. Coe.

Mr. Lorne Coe: Thank you very much for your delegation. I appreciate it very much.

I'm on page 5 of your presentation, and that's the continuum of the recommendations. You indicated in your narrative that all of these recommendations were shared with the government through the consultation process. Did you receive feedback from the government as to why your recommendations were not accommodated?

Mr. Pat Daly: Thank you, Mr. Coe. We very much appreciated the consultations. They were very open and listened carefully, but as we've indicated in our presentation today, unfortunately a number of our suggestions, recommendations were not included. We received a letter from the minister yesterday, but we haven't received specific responses to our concerns.

Mr. Lorne Coe: All right. Can we go to page 5, then, of your presentation? In the first paragraph, you say that you're unanimous in your firm belief that an amendment calling for sequenced bargaining would reduce potential disruption for parents and students and provide greater stability. Can you talk a little bit more specifically about the features of that amendment and why you believe it would accomplish what you describe, please?

Mr. Jean Lemay: I can answer this. I've sat on both the local committees as a trustee observer and on the general meetings. There is confusion at both levels about who decides what's happening. If this were sequential bargaining, we would know first-hand what one committee is doing at the provincial level and then follow up at the local level with local issues.

The syndicates are saying that some are both provincial and local. We want to make sure that when we do negotiate with them, the reasons are clear as to what is provincial and what is local. There is some confusion. I've sat on those committees myself and I've seen the difference. I've seen the questions raised, and we always have to confer with the provincial to find out if it's going to be treated there or not. With sequential bargaining, we would get away from that.

Mr. Pat Daly: If I can just add very briefly to that, sir: In addition to all of what Jean has said, the possibility, or I would say the likelihood, of increased sanctions would result if our recommendation is not considered. Unless

there is a real structure to the bargaining and clarity with regard to it, the outcome will not be as positive.

Mr. Lorne Coe: And to your recommendations—

The Chair (Mr. Grant Crack): Thank you very much. Time is up, Mr. Coe. I apologize.

Mr. Lorne Coe: Thank you.

The Chair (Mr. Grant Crack): We'll move to the NDP. Ms. Sattler.

Ms. Peggy Sattler: Thank you very much for the presentation today. You've told us about two sets of recommendations that you had made during the consultation process that were not incorporated into the bill, and then a third recommendation about crown consent that was kind of incorporated into the bill, but in an unsatisfactory way, from your perspective. Was there anything you shared during the consultation process that is reflected in Bill 92?

Mr. Pat Daly: I think, for the most part, what we have said today is captured in the significant recommendations we made. We're very supportive of much of the current legislation. The 2014 process went very well. I think what we've spoken of today really is the heart of what we recommended.

Ms. Peggy Sattler: Okay—

Ms. Donna Danielli: If I may, one of the recommendations that we made has resulted in everyone having a place at a central table in the last round of bargaining. I believe that there was one sector that was not represented at a central table, and that has been taken into consideration and is included.

Ms. Peggy Sattler: Okay. With the issue around sequenced bargaining, in the experience that each of your trustee associations had in the last round, how often did it happen that there was simultaneous central and local bargaining? Was that typical across the sector, or was that less common?

Ms. Donna Danielli: During the last round of bargaining, only one central table out of the eight chose to have the sequencing bargaining—just one of the eight.

Ms. Peggy Sattler: And which table was that?

Mr. Pat Daly: OECTA and OCSTA. OECTA voluntarily agreed to that.

Ms. Peggy Sattler: Oh, that was a voluntary agreement among all the parties?

Mr. Pat Daly: Yes.

Ms. Peggy Sattler: Okay. I don't know how the consultations worked. Was it one-on-one consultations, or were you all in a room? Do you know if this issue of sequenced bargaining had come up with other participants in the consultation process? Are there other parties who were involved in the consultation who also support sequenced bargaining?

Mr. Pat Daly: I believe we were collectively involved in four rounds of consultations—

Ms. Donna Danielli: Yes.

Mr. Pat Daly: In three or four, and it was representatives of all the trustee associations, the employers. We weren't part of any consultation where the unions were represented.

Ms. Peggy Sattler: With other parties. Okay. Thank you very much.

The Chair (Mr. Grant Crack): Thank you very much. We'll move to the government side: Mr. Anderson.

Mr. Granville Anderson: Thank you all for being here this afternoon. It's wonderful to see some of you I am familiar with, so good. A great presentation.

We all know that labour disruptions can be challenging for families and students of course, which is why one of the proposed amendments, if passed, requires an additional five days' written notice from unions and school boards before a full strike or lockout at any school can happen. Can you please speak to the importance of keeping students and their families well informed?

Mr. Pat Daly: We obviously very much support the five-day notice. I know school boards historically have tried to provide parents and communities with as much notice as possible.

Mr. Granville Anderson: Okay.

Mr. Jean Lemay: Just to add to this: My school board in the eastern area has lived through a strike. There was a strike in our area from CUPE, and the five-day notice was helpful in advising the families and making sure that we take notice of this and make sure that the schools are still open or we still have services with busing and everything else. Five days is the minimum for sure because we have to turn around really fast to set up these things. We think it's the right process right now.

Mr. Granville Anderson: Okay. So as you know, tentative two-year agreement extensions have recently been raised with Ontario teachers and education workers. Can you speak to what these two-year extension agreements will mean to the stability of all the publicly funded education systems?

Ms. Donna Danielli: Obviously it will lead to increased stability. We saw in the last round of bargaining the uncertainty and the pressure on parents of not knowing what was happening. This will lead to stability within the education sector for the next two years, knowing that we do not have to go back to the bargaining table. So in terms of putting students first, this is a very good thing for students.

Mr. Granville Anderson: It seems as if collectively the most important amendment you would like to see is sequenced bargaining. Is that correct?

Ms. Donna Danielli: Yes.

Mr. Pat Daly: Absolutely. Again, this is beyond school boards. It's fundamental for parents and students.

Mr. Granville Anderson: Do you have any further elaboration? I know you have extensively elaborated on that. Any further comments as to why that is so, so important?

Ms. Donna Danielli: Sequenced bargaining takes away the potential disruption for parents and students. It gives greater stability, and it leads to an education sector that's not in a perpetual state of sanction. Not having sequenced bargaining would lead to that perpetual state of sanction.

The Chair (Mr. Grant Crack): Thank you very much. Time's up. I would love to go further but—I would like to thank you all for coming before committee. Merci beaucoup de votre présence ici cet après-midi. Thanks again, and we appreciate your insight.

Ms. Donna Danielli: Thank you for your time.

Mr. Pat Daly: Thank you very much.

M. Jean Lemay: Merci beaucoup.

M. Jean-François L'Heureux: Merci.

Le Président (M. Grant Crack): À la prochaine.

ELEMENTARY TEACHERS' FEDERATION OF ONTARIO

The Chair (Mr. Grant Crack): Next on the agenda we have the Elementary Teachers' Federation of Ontario. Mr. DeQuetteville and Ms. McCaffrey, I believe, are both with us this afternoon. We welcome both of you. You have up to five minutes for your presentation, followed by three minutes of questioning from each of the parties. The floor is yours. Welcome.

1620

Mr. Jerry DeQuetteville: Good afternoon. My name is Jerry DeQuetteville. I serve as a deputy general secretary for the Elementary Teachers' Federation of Ontario. With me today is Vivian McCaffrey, a member of our executive staff.

We appreciate the opportunity to participate in the hearings reviewing Bill 92. While ETFO recognized the inevitability of provincial bargaining, it fought hard during the drafting of the School Boards Collective Bargaining Act to protect local bargaining and ensure that the process was meaningful and respectful of the critical issues that are negotiated locally. Some of our concerns with Bill 92 relate to its potential impact upon local bargaining.

ETFO appreciated the invitation to participate in the consultations on the draft of Bill 92, and we were hopeful that the process would provide the opportunity to improve the legislation, based upon our shared experiences with the new bargaining framework. During the consultations, ETFO raised concerns related to the role of the crown, the timelines for commencing the central bargaining process, the appropriate sequencing of bargaining, and the need to clarify a collective agreement's effective date in cases where there was an ongoing arbitration. Bill 92 fails to address these issues.

Given the time constraints, I'll speak to a few of our concerns and then refer you to the full submission and our recommendations listed at the end.

The first concern is around the role of the crown and the employer bargaining agency in local bargaining. Section 4 adds a new subsection, 14.1(1), to the act. Clause 14.1(1)(a) provides the opportunity for the crown to become involved with local bargaining, upon request. ETFO opposes any intervention by the crown or, in fact, the employer bargaining agency in local bargaining. Local bargaining should be conducted directly with the local school board.

Another of our concerns deals with the permission required for a lockout. You heard the previous speakers talk about that as well. Section 16 of the bill amends the provisions in the act which govern the consent required for school boards to implement a lockout. It proposes amendments specifically to subsection 34(5), which currently requires the crown to agree when a school board implements a lockout. The new amendment would require joint consent by the employer bargaining agency and the crown. ETFO believes that the proposal will present problems, and that the current language should remain.

Another of our concerns, which you've also heard addressed today, deals with the requirement for additional notice before a full withdrawal of services. Currently, under the act, a union must give five days' notice when it is set to begin any form of workplace action, which is covered under the definition of "strike action." Typically, ETFO strike action begins with our members withdrawing from performing administrative duties outside of their direct classroom instruction. An escalation would only happen if no progress is taking place at the bargaining table, and this escalation would happen gradually.

Section 16 of the bill proposes a new subsection that would require an additional five days' notice if the strike action were to escalate to a full withdrawal. ETFO strongly opposes this amendment. We have fully complied with our statutory obligation to provide notice, and we have always acted responsibly in advising of any change in the nature of our legal strike activity. We are unaware of any significant problems that have occurred in the conduct of strikes by ETFO that would warrant a change to the existing statutory provision, which, I should point out, is already more onerous than any requirement for other trade unions governed by the Labour Relations Act.

Another concern that we have is specifically with the role of the crown in central bargaining. Currently, the employer bargaining agency—in our case, either the Ontario Public School Boards' Association or the Council of Trustees' Associations—is a party to the central table, and the crown is a participant at the central table. It's our position that the act should be amended so that the crown, the sole funder of the education system, is a full party at the central table, with all of the accompanying obligations.

In the first round of bargaining under the act, the management team, from our perspective, was a problematic approach. There were often mixed and contradictory messages coming from the parties at the management team that delayed, from our perspective, the bargaining process.

In conclusion, it's important that the Legislature take advantage of Bill 92 to ensure that the learning experiences from the first round of bargaining under the School Boards Collective Bargaining Act are fully reflected in the amendments to the act.

ETFO urges the Standing Committee on General Government to consider carefully the issues brought forward in our submission.

The Chair (Mr. Grant Crack): Thank you very much, Mr. DeQuetteville.

We will start questioning with the third party: Ms. Sattler.

Ms. Peggy Sattler: Thank you very much for attending here today and for your submission. You highlighted three areas that were of particular concern. I wanted to give you this opportunity, if there were additional recommendations that you didn't have time to address but that you would also flag as being among the top of your recommendations.

Mr. Jerry DeQuetteville: I think some of our significant concerns—we spoke to a number of them, but one of the concerns that I didn't specifically address is the legislative requirement around setting a particular length, and that this be determined by the minister through regulation. It's our perspective that the parties to the bargaining are best positioned to determine how long a collective agreement should be, and that this should not be imposed. That would be an example.

Another thing on which we didn't specifically go into detail deals with the start point for bargaining. We believe that the last bargaining round was quite protracted, and it would behoove all of us if we were able to start the central bargaining process sooner, determine the central/local split of items to be discussed, and then proceed at that point, prior to the expiration of the collective agreements.

Ms. Peggy Sattler: Okay. On page 2 of your submission, at the top, it mentions that you had raised concerns about the appropriate sequencing of bargaining. What were your specific concerns about sequencing?

Mr. Jerry DeQuetteville: I think our sequencing concerns were a little different than what you heard from the previous speakers. We believe there should be some flexibility, once the central/local list has been determined, and that if there are situations where local bargaining is able to proceed, and the local parties are interested in discussing some issues and doing some problem-solving, they should have the right to do that.

We do not believe there should be a blanket statement that there be no local bargaining at all until central bargaining has been completed.

Ms. Peggy Sattler: Okay. Thank you.

The Chair (Mr. Grant Crack): Over to the government side: Ms. Hoggarth.

Ms. Ann Hoggarth: Good afternoon. Let me start by saying thank you for the incredible work that you and your members do every day in the classrooms across Ontario to support Ontario's public elementary students and their families.

One of the amendments being proposed would, if passed, allow for the extension of collective agreements. A few days ago, ETFO announced that its members had voted to ratify an agreement to extend their 2014-17 collective agreements until 2019. As you know, tentative

two-year agreements have also been reached by the other Ontario teacher and education worker groups.

From a system-stability perspective, can you speak to what these extension agreements mean for Ontario's school communities?

Mr. Jerry DeQuetteville: One of the things that I think is particularly beneficial from the extension agreement that ETFO worked out with the government is around the reduction of class size. There certainly was a fulsome discussion about the importance of that, and the government made commitments to assist in that, which allowed us to deal with some very pressing issues, which was very positive. There was a willingness during this process to discuss the issues that were important to each individual unit, and that was something that we certainly valued. There will be two years where we do have some peace and stability in the sector.

1630

One of the concerns that we had, and it's shared by our local leaders, was around the decision that there would be no local bargaining. There are a number of our locals who feel that there were some legitimate issues they'd like to discuss and they won't have the option to do that. They have the ability under the Labour Relations Act, if the board is willing, so that option exists, but I think some of our locals were quite prepared for a full round of local bargaining, and they're a little disappointed about that.

Ms. Ann Hoggarth: Okay. Is there more time?

The Chair (Mr. Grant Crack): Yes, 45 seconds.

Ms. Ann Hoggarth: Okay. In response to the recommendations from the Auditor General to improve transparency, we proposed amendments that would, if passed, require salary disclosure from trustee associations employees involved in labour negotiations and authorize the minister to require reporting on the funding that trustee associations receive from the ministry. Do you think this will enhance transparency and public confidence in the bargaining system?

Mr. Jerry DeQuetteville: ETFO has taken the position that it's really not in our purview to comment on that. That's really an issue between the government and the school boards' associations.

Ms. Ann Hoggarth: Thank you very much.

The Chair (Mr. Grant Crack): To the official opposition: Mr. Coe.

Mr. Lorne Coe: I'm at the top of page 2, where you talk about your issues, the "timelines for commencing the central bargaining process; the appropriate sequencing of bargaining; and the need to clarify the effective date of a collective agreement in cases where there is an ongoing arbitration." You go on further to say that "Bill 92 fails to address these issues." That begs the question: There has been extensive consultation, but these particular issues still remain. So who did you speak to? Did you meet with ministry staff? Did you meet with staff from the minister's office? What response did you get to these concerns and, supplementary, the 10 recommendations that are at

the end of this paper? What sort of reaction have you gotten?

Mr. Jerry DeQuetteville: There were a number of opportunities where we met with various ministry officials to have conversations about possible amendments to the act and so on and to raise our concern. We also took the opportunity to submit concerns in writing as well.

Ministry staff certainly did listen to some of our concerns. There were some of the things that we hoped to see in the act that were reflected in there. In particular, there's a provision in the act that if you are declared as an employee bargaining agency for a group of 15 bargaining units that are not teachers, that would continue going forward. Previously, the act would require that that process happen each and every time. Certainly the government and the ministry folks listened to our concerns and put that into place. The other issues and so on—we've not heard a response.

Mr. Lorne Coe: And to the 10 recommendations: You've provided those recommendations to the government?

Mr. Jerry DeQuetteville: Yes.

Mr. Lorne Coe: And what response did you get?

Mr. Jerry DeQuetteville: We've not heard a response.

Mr. Lorne Coe: Not a response from the minister's office, or Ministry of Education staff?

Mr. Jerry DeQuetteville: Not that I've seen directly, no.

Mr. Lorne Coe: All right. Thank you, sir.

The Chair (Mr. Grant Crack): That concludes the presentation and the questioning. We thank both of you for coming before committee this afternoon and sharing your thoughts. We appreciate it. Have a great afternoon.

ONTARIO SECONDARY SCHOOL TEACHERS' FEDERATION

The Chair (Mr. Grant Crack): Next on the agenda we have, from the Ontario Secondary School Teachers' Federation, the president, Mr. Paul Elliott, and, I believe, the associate general secretary and chief negotiator, Mr. Brad Bennett. We welcome the two of you gentlemen. You have up to five minutes for your presentation. When you're ready, please feel free. Welcome.

Mr. Paul Elliott: Thank you for the opportunity to be here today. A couple of things just to clarify: Brad Bennett is our associate general secretary of protective services. I'm Paul Elliott, president of the Ontario Secondary School Teachers' Federation.

I'm going to jump into the report. Knowing I have five minutes, I may expand a bit while I'm speaking on some of the points that are in here, but I'll jump right into it.

When the School Boards Collective Bargaining Act was initially announced, a commitment was made to review the act following the first round of collective bargaining within its framework. In good faith, OSSTF/FEESO accepted that review would be real,

meaningful and take into account considerations and suggestions that would be made.

We're disappointed to see that the review has been limited to tinkering around the edges rather than engaging in a meaningful and honest assessment of the process of bargaining under the SBCBA. Simply claiming it was successful because it resulted in a collective agreement ignores the lengthy period of uncertainty faced by parents, students and board employees.

An overarching challenge throughout negotiations under the SBCBA was the structure of the school board associations. Throughout the process, it was made clear time after time that there was no functional decision-making mechanism. In effect, as reported to us at the bargaining table, school boards attempted to work on a consensus model within their backroom. With issues as big and complex as those faced at central bargaining, consensus was elusive, leading to a great deal of frustration, wasted time and expense for all involved. Past experiences with PDT-style agreements, and even the MOU bargaining in 2013, involved government being the other party to the agreement, with school boards participating in a more consultative role than decision-making.

During the initial steps of bargaining, the SBCBA mandates that the central parties agree to identify those issues that are central and those, by default, that are local. Once determined, there is no cross-table bargaining, and the issues live and die at their prescribed level. OSSTF took a minimalistic and realistic approach to creating a central list of topics. History has shown us that local bargaining has been the most effective model in addressing local education needs.

During 2014, we pushed back to keep most issues local, with the obvious exceptions of big-ticket financial items such as salary, benefits, staffing levels and sick leave. Conversely, school boards pushed just as hard to bring a much broader list of topics to the central table. The SBCBA created a process whereby disputes as to whether issues are central or local would be determined through the OLRB.

After many months of discussions at the teacher and occasional teacher table, the parties agreed to move to the OLRB for case management. Through a series of mediated discussions, it became clear that there was going to be no timely resolution, so in order to move things along, we agreed to bring the expanded list of topics to the central table. At the support staff table, we moved more quickly to this conclusion, having learned the leanings of the OLRB through the teacher and occasional teacher process.

The result of bringing so many issues to be dealt with at the central table was as unsuccessful as we had anticipated. Where agreement could not be reached, those issues remain status quo to the previous local language, making it impossible for either side to address legitimate problems. In fact, the majority of items brought to the central table were either deemed status quo or sent to a workgroup for further study. Only a minority of items were actually bargained to conclusion. On the other hand,

we had a great deal of success in dealing locally with those items that were designated to be locally bargained.

While we had two central tables to contend with, the government and school boards had nine tables in total. This led to a process with bargaining occurring nearly every day for well over a year. In addition to obvious logistical scheduling difficulties, the number of tables also led to fatigue and competing interests from the other side. It became clear throughout the process that management was timing the tables and letting any particular table only progress so far before stopping it and allowing the others catch up. Despite claims and assurances to the contrary, there was only going to be one core deal, with very minor variations on the less significant points. For this reason, the school boards and the government were often more interested in staging the timing than in substance.

While we always believed the structure of the parties would be a tripartite arrangement, what emerged was something quite different. School board associations and representatives of the crown described themselves as the "management team." The dysfunction created by this model was evident throughout, in that the government and school boards had competing interests with one another as they tried to operate as a single team. Our previous experience with true tripartite talks through the PDT yielded much better results. Further evidence of this can be gleaned from the extension of remedy talks this year being started between the government and union, with school boards entering later to identify issues important to them and to help focus agreed-to funding as necessary.

It should be noted that the inaugural round of bargaining within the SBCBA led to the largest strikes involving full withdrawal of services in OSSTF in 40 years. Strikes were not settled through collective bargaining but through back-to-work legislation that added even more contention into the education sector. In many jurisdictions, long-term job actions remained in effect for extended periods of time. The final local agreement was not settled until August of 2016, more than two full years after the whole process had begun.

In summary, negotiations thus far under the SBCBA can only be described as an abject failure. However, OSSTF remains optimistic that perhaps through the review process the legislation could have been revamped into something more successful. That would have required changes more akin to an overhaul than the proposed tinkering. The amendments being contemplated through this legislation give us absolutely no reason to believe that future rounds of collective bargaining will be any more successful than was the last one. While we participated in several rounds of so-called consultations, our recommendations were not taken into account. When we asked representatives of the crown to identify where our input had been incorporated, not a single citation could be made.

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For the purposes of these hearings and within the context noted above, we are providing a list of recommendations that we believe would provide a model that could lead to successful collective bargaining, opportunities to address community needs within those communities, and stability in the education sector.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Elliott. I wish I could let you go further. I gave you an extra minute and a bit.

Mr. Paul Elliott: Thanks.

The Chair (Mr. Grant Crack): I apologize.

We'll start with a line of questioning from the government side: Mr. Baker.

Mr. Yvan Baker: Mr. Elliott, thank you for being here and for your presentation, and for all the work that your members do for the children in Ontario.

You started by speaking to uncertainty and how impactful that can be to families, to children and to parents. One of the elements of the legislation is additional notice from both the union and the school board before full withdrawal of services at a school would happen.

As someone who represents folks who work with students every day, what are your thoughts on that and how it could provide certainty to parents and families?

Mr. Paul Elliott: In a very small term, I think that's the issue that, really, when I say "tinkering around the edges," that's exactly what that is doing: It's tinkering around the edges.

When we talk about the uncertainty, we speak to the uncertainty that really exists over two years. Two years of bargaining provides a level of uncertainty to parents and students. They don't know what's happening. Through that two years, we have multi-media reports about what's happening, so it creates a certain amount of uncertainty.

That five days that's referenced in there—I agree it provides some certainty, but you're talking about five days of uncertainty that's associated with that. We're talking about two years of not knowing where bargaining is going, and the uncertainty that is there. We're talking about changes that need to be done to streamline the process, so that when you start bargaining, it's streamlined in such a way that you deal with what needs to be dealt with in everything that goes through.

The extension that was earlier, the tentative extension that we have successfully negotiated—that extension, which dealt with very few items, is meant for two years. That alone took six months.

When you talk about those sorts of issues and the timelines that are required, that's the uncertainty that I think is abysmal and should not be allowed to happen. Bargaining is not a two-year process. It needs to be streamlined in such a way that everybody who is involved finds some level of comfort that things are going to be dealt with and are going to be dealt with in a timely way.

Mr. Yvan Baker: How much time do I have, Chair?

The Chair (Mr. Grant Crack): One minute.

Mr. Yvan Baker: One of the things that's part of the legislation that I wanted to ask you about was the fact that parties would be allowed to apply to the OLRB to consider whether there's an inconsistency between central and local terms. You've talked a lot about that issue from a different vantage point, and we've heard you on that. But on that particular element of being able to apply to the OLRB on that issue, what are your thoughts on that? Keep in mind that I think we probably have about 30 seconds left.

Mr. Paul Elliott: I'm going to turn this over to Brad.

Mr. Brad Bennett: Our comments on that fall within some of the recommendations. We don't think that the OLRB process is a good one. We think that that adds more bureaucratic delay into the timelines and, frankly, you end up in front of a body that doesn't necessarily know the in and outs of education.

This dovetails with the point that Paul made, in that we should be working from a streamlined, big-ticket kind of a list at the central table, and let local school boards, through local trustees and local teachers and education workers, do what's best in implementing things at the local level, rather than sitting in front of the labour board and having these things sorted out.

The Chair (Mr. Grant Crack): Thank you very much. I appreciate it.

We'll move to the official opposition: Mr. Coe.

Mr. Lorne Coe: Thank you very much for your delegation. I read your news release that you issued concerning Bill 92. It was highly critical of the process that you participated in, and it's very palpable here this afternoon that you're still frustrated that the recommendations you made weren't adopted.

Stepping back from the 10 recommendations in your delegation today, can you speak to what you see as the biggest flaw in Bill 92, from your perspective?

Mr. Paul Elliott: The overarching one is, it didn't deal with the issues. It didn't deal with the issues that we really felt—and I would say it was felt by the citizens of Ontario—dealing with the streamlining of this process. That has to be the number one issue when you take a look at this.

We had to go before the Auditor General and talk about the expenses related to bargaining. Bargaining is an incredibly expensive process to go through, even at that central table. When you start talking about nine bargaining tables, the government is involved in all of them. That's two years of being at a bargaining location.

If you don't deal with and find some way to streamline that, those expenses just associated with that alone are going to start to creep. I think that's the number one issue. There's a variety of different ways to deal with it, and we tried to identify those, but the extent and the length of bargaining has to be the number one issue. Sending a message in a bottle across the Atlantic Ocean—it's not a success if it reaches there; it was just the wrong way to do it.

Mr. Lorne Coe: So to your recommendations, not only today—I've asked this of the previous delegations,

and I'm sure this feeds your frustration. Did you get an explanation as to why your recommendations were not reflected?

Mr. Paul Elliott: One of the things that we heard consistently was that they were looking for consensus from all parties involved on the recommendations. I think what you've heard from some of the presenters is that there wasn't consensus on everything that came forward, and that's problematic too.

I agree that it's a problem, but I think the way it was done and the hurried-up way that it appears to have been done to get this legislation through is a bit of a problem too. I think that it wasn't a true consultation, considering this was the first time through. If this is the first time that we're dealing with this and if there are two-year extensions that are going to be happening through this, this doesn't need to be a hurried-up process at all.

Mr. Lorne Coe: And as you put it in your presentation, it's just tinkering around the edges.

Mr. Paul Elliott: Yes.

Mr. Lorne Coe: Thank you. Thank you, Chair.

The Chair (Mr. Grant Crack): We'll move to the third party: Ms. Sattler.

Ms. Peggy Sattler: Thank you for the presentation. On page 2 of your submission, the third paragraph from the bottom, you point out that the legislative framework in the School Boards Collective Bargaining Act was not very successful in managing the process in the last round. Do you think it was all an issue related to the legislative provisions that are included in the School Boards Collective Bargaining Act or were there other issues at play that may have contributed to the failure of that process in the last round?

Mr. Paul Elliott: One of the things I simply focused on on this—I don't want to get into what was on the table, was not on the table or anything because I think that's outside of the scope. But I think one of the things I really focused on was in terms of the process that was outlined in the legislation. That's what we wanted to focus on.

There can be other reasons why you might not get to a deal—an austerity agenda can also be a problem—but we spent six months, if not more, just in, I would say, in a battle over what should be central and what should be local. I see that being six months or longer next time, so right off the bat, once you start getting into that, if you're not going to get to an agreement on that, that pushes everything down the road, too.

There might have been other issues, but one of the things we're really focusing on here is the process and what was in the process that did not lead to what I would call successful, which means respectful of people's time, respectful of the anxiety that bargaining brings of all parties that are involved in all of that.

Ms. Peggy Sattler: Okay. You didn't go into detail on these 10 recommendations, but recommendation 4 caught my eye. It indicates that, "Other than those items expressly dealt with at the central table, local bargaining

should be unfettered." Can you explain to me what that means? What do you mean by "unfettered"?

Mr. Paul Elliott: "Unfettered" means it shouldn't be interfered in by the government, and it really shouldn't be interfered in by others. That's really what we're talking about. When bargaining happens, some of the things that we've seen in this, with the opportunity to have the government really come in and have an opportunity to intervene—nobody really knows what that would look like or what that would mean. Local bargaining needs to be local bargaining between the local parties, which means between the local school board and between our locals also.

Ms. Peggy Sattler: Okay. The previous presenter had made the recommendation that the crown not be able to be invited in during the local process. That is your position as well?

Mr. Paul Elliott: Yes.

Ms. Peggy Sattler: I see. Okay. Thank you very much.

The Chair (Mr. Grant Crack): Thank you, gentlemen, for coming before committee this afternoon and sharing your insight. Much appreciated. Have a great afternoon.

ASSOCIATION DES ENSEIGNANTES ET DES ENSEIGNANTS FRANCO-ONTARIENS

Le Président (M. Grant Crack): La prochaine députation est l'Association des enseignantes et des enseignants franco-ontariens. On a le président, M. Sabourin, avec nous cet après-midi et je pense une autre invitée. Le plancher est ouvert à vous pour commencer. Merci et bienvenue.

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M. Rémi Sabourin: Merci beaucoup, monsieur le Président. Avec moi, c'est Anne Lavoie, directrice générale adjointe. Donc, je salue le président et les membres du Comité permanent des affaires gouvernementales.

L'AEFO a pris connaissance du projet de loi 92. En raison du temps limité, je vais faire le point sur quelques-unes des recommandations qui se trouvent dans notre mémoire.

Tout d'abord, le deuxième avis de grève : comme vous le savez, dans le projet de loi 92, le gouvernement veut ajouter un paragraphe à l'article 34 de la loi de 2014 en lien avec un deuxième avis de grève. Le gouvernement veut obliger les syndicats à donner un avis s'il y a un changement dans la nature ou la portée d'une grève qui a déjà commencé. S'il y a une grève, le syndicat aurait déjà donné un avis de grève. C'est la façon de faire depuis toujours. Quelle est la problématique à résoudre ici? Nous n'en voyons aucune.

L'AEFO croit qu'un avis est suffisant. Deux avis pour une même grève, c'est superflu, parce que ça bureaucratise et alourdit encore plus le processus. C'est un processus supplémentaire à un processus qui fonctionne et qui existe déjà. Donc, comme vous voyez,

ce changement n'est absolument pas nécessaire. Voilà pourquoi l'AEFO recommande de supprimer ce paragraphe sur le deuxième avis de grève.

Maintenant, j'aimerais vous parler de l'adhésion obligatoire à une intersyndicale. Ceci touche à plusieurs recommandations de l'AEFO, et ça touche en particulier à une unité de négociation chez nous.

Le projet de loi 92 oblige certaines unités de négociation à se joindre à une intersyndicale. Si on oblige les membres d'une unité de négociation à être représentés par une intersyndicale, c'est un obstacle à la responsabilité de l'AEFO. L'AEFO est l'agent négociateur de son unité. On doit se joindre à une intersyndicale, même si elle n'a pas les ressources nécessaires pour bien représenter nos membres. À la rigueur, le projet de loi force un syndicat comme l'AEFO à financer une intersyndicale, car l'intersyndicale n'est pas une personne morale qui a accès à du financement.

Les intérêts de la majorité des unités de l'intersyndicale pourraient être différents des intérêts et des besoins des membres de l'AEFO. Les travailleuses et les travailleurs de notre unité ont choisi d'être représentés par l'AEFO, qui défend leurs droits en français. Maintenant, le gouvernement veut adopter un projet de loi qui ignore cette décision démocratique, un projet de loi qui ignore carrément la décision de nos membres.

Maintenant, pour le champ de négociation centrale : j'aimerais maintenant vous parler de la recommandation 7, c'est-à-dire qu'une liste de questions soit prédéfinie dans la loi comme faisant automatiquement partie du champ de la négociation centrale à la table centrale. C'est une approche pragmatique qui tient compte de la réalité, à savoir que c'est le gouvernement qui est le banquier des conditions de travail de nature pécuniaire. Alors, pourquoi placer les parties chaque fois à renégocier les sujets pour qu'ils soient à la table centrale ou à la table locale?

Croyez-le ou non, lorsque l'AEFO a proposé que la rémunération fasse l'objet de la table centrale lors de la dernière ronde de négociation, la Couronne et les conseils scolaires ont voulu exclure les allocations. C'est une position incompréhensible. Comment pouvons-nous négocier une partie de la rémunération à la table avec le gouvernement et négocier l'autre partie de la rémunération au local, individuellement avec chaque conseil scolaire, sans que le banquier soit présent? Ceci ne fait que prolonger la négociation, comme ce fut le cas lors des dernières négociations.

Pour rendre le processus plus efficace, un minimum de sujets doit faire automatiquement partie de la négociation centrale. Nous proposons que la rémunération, les congés de maladie, tout congé autorisé, le financement des avantages sociaux et le nombre de postes d'employés pour répondre aux besoins soient à la table centrale.

Sur un autre ordre d'idées, j'aimerais vous entretenir au sujet de recommandations que nous proposons par rapport au fait français. Il y a certaines améliorations qu'on pourrait apporter aux négociations pour les francophones. Par exemple, lors des dernières

négociations, l'AEFO s'est fait imposer une traduction du protocole d'accord central. L'AEFO n'a pas eu droit de regard sur cette traduction pour s'assurer que ça reflétait bien les intentions de la négociation.

Sur un sujet connexe à la négociation pour les enseignants, l'AEFO est d'avis que la Couronne n'a pas les ressources humaines nécessaires pour soutenir la négociation centrale en français. Il ne s'agit pas ici d'émettre un jugement sur le rendement ou la volonté du personnel de la Couronne.

En effet, pendant les négociations de 2014-2016, il est devenu évident que l'équipe de la Couronne ne pouvait pas conclure d'entente sans l'intervention de représentantes ou de représentants unilingues anglophones. À des moments déterminants pour la négociation, les discussions ont dû se dérouler en anglais afin de garder intact le sens des échanges, ce qui est un grand désavantage pour l'AEFO.

L'AEFO est d'avis que les représentantes et les représentants de la Couronne dont le mandat est de conclure une entente doivent maîtriser le français.

Merci beaucoup de l'occasion de vous présenter notre mémoire. Je suis maintenant disponible s'il y a des questions.

Le Président (M. Grant Crack): Merci beaucoup, monsieur Sabourin. On va commencer avec l'opposition : M. Coe.

Mr. Lorne Coe: Thank you very much, Mr. Sabourin, for your presentation. The sense I take from your presentation is that you believe the bill imposes more red tape rather than making the collective bargaining process more efficient, as we've heard. Is that correct?

M. Rémi Sabourin: Oui, je suis d'accord avec ceci. Je pense qu'il y a beaucoup de bureaucratie dans la négociation. C'est important, comme d'autres interlocuteurs ont mentionné auparavant, d'avoir un système qui est efficient et efficace. Je pense que les recommandations que nous apportons sont toutes dans ce sens.

Interjection.

Mr. Lorne Coe: Yes, I got it. That's fine.

The Chair (Mr. Grant Crack): Okay?

Mr. Lorne Coe: I got the answer. Yes, thank you.

Are there unique issues that francophone teachers face at the bargaining table that we need to hear today?

M. Rémi Sabourin: Je pense que, comme j'ai mentionné, ce qui est important pour l'AEFO, c'est que lors des négociations—la négociation se déroule en français; par contre, les décisions provenant du gouvernement, les décisions qui sont importantes, sont prises par des gens qui sont unilingues anglophones. Donc, à des moments critiques de la négociation, on doit arrêter ou on doit changer de salle ou changer d'interlocuteur et recommencer l'histoire. Là, souvent, les choses se perdent du français à l'anglais. Donc, pour nous, c'est important qu'il y ait des gens du côté du gouvernement qui puissent prendre des décisions en français.

M. Lorne Coe: Merci beaucoup.

The Chair (Mr. Grant Crack): Ms. Sattler?

Ms. Peggy Sattler: Thank you very much—a pleasure to have you here today and to receive your submission. I think you have raised a really critical point about the potential undermining of the rights of French-language education workers to negotiate in their language.

It was ironic, actually, that the consultation summary that was released by the government said that the only issue that there was any consensus on, across all of the participants in the consultation, was about the need to increase French-language capacity throughout the bargaining process. So I really appreciate you having brought this issue forward.

Forgive my lack of capacity in the French language, but I see that your sixth recommendation is, I believe, about the language issue. Can you elaborate a little bit more about amendments that you think could be made to Bill 92, specific amendments that would protect the rights of French-language education workers to conduct their bargaining in their own language?

M. Rémi Sabourin: Oui, certainement. Je pense qu'une des choses pour la négociation intersyndicale lors de la dernière ronde de négociation—nous avons décidé de participer avec une intersyndicale. Je vous dirais que lorsque nous avons reçu le protocole d'entente centrale, nous avons reçu la copie en français une semaine plus tard. Nous étions déjà en train de faire des démarches pour rencontrer nos membres. Donc, pour nous, c'est important qu'une copie française soit remise avant que les intersyndicales puissent signer.

On a eu, dans la dernière ronde de négos, une entente qui a été signée en anglais seulement. Nous avons reçu par la suite la copie française. À ce moment-là, il est beaucoup trop tard; les signatures sont déjà là.

1700

Je pense que c'est important. Ça peut sembler minime, mais cela a des ramifications, comme vous savez, sur le langage des conventions collectives. Chaque mot est pesé, et chaque mot pesé est traduit. Ça devient encore plus compliqué. Puis, je ne pense pas qu'on a besoin de compliquer le système plus qu'il ne l'est.

Ms. Peggy Sattler: Okay. Thank you very much.

Le Président (M. Grant Crack): Le gouvernement : madame Des Rosiers.

M^{me} Nathalie Des Rosiers: Merci beaucoup d'être ici, et puis merci de votre présentation.

Moi, j'ai compris qu'il y a quatre enjeux. Le premier, si je comprends bien, c'est l'avis de cinq jours. Est-ce que je comprends bien que même s'il y avait une transformation de la nature des mesures de pression, c'est-à-dire « work-to-rule » d'abord, et puis après ça—vous estimez qu'il n'est pas nécessaire de donner un deuxième avis? Est-ce que j'ai bien compris?

M. Rémi Sabourin: Oui, c'est bien ça. Selon notre compréhension des changements qui sont proposés, c'est qu'un avis de grève est donné qui respecte la loi de 2014, et également la loi de 1995, mais que si on veut changer ou élever la nature ou les moyens que l'on prend, il faut

faire un deuxième avis. C'est ce deuxième avis-là avec lequel on a de la difficulté.

M^{me} Nathalie Des Rosiers: L'autre question que j'avais, c'est : vous préconisez une organisation législative de la table de travail centrale, c'est-à-dire, « Voici les sujets qui devraient être prescrits au niveau législatif. » Est-ce que ça ne vous inquiète pas—parce que d'autres présentateurs sont venus—sur le concept de liberté de choix ou de liberté de négociation? Est-ce que vous seriez prêt, par exemple, d'avoir la possibilité d'une présumée liste, mais que la table de négociation pourrait décider d'en enlever ou de la changer, compte tenu des circonstances? Est-ce que ça vous inquiète qu'on prescrive un petit peu les limites de négociation collective?

M. Rémi Sabourin: Bien, je pense que ce qu'on veut ici est que l'on prescrive à la table centrale et que le reste demeure à la table locale. Donc, nous croyons que, en ce moment, les sujets qu'on a mentionnés ici, à chaque ronde de négociation, devraient se retrouver à la table centrale.

Ce qu'on ne veut pas, c'est d'aller à la commission des relations de travail, comme la dernière fois, pour avoir cinq sujets séparés : deux d'un bord, deux de l'autre bord et puis le troisième. Ça nous a retardés de huit mois. Ça nous a retardés dans le processus par rapport à tous les autres syndicats. Dans le fond, c'était une division qui était un peu aléatoire. Donc, pour nous, les sujets importants, ce sont ceux qu'on mentionne ici; le reste, à la table. Mais il est certain qu'il y aurait une certaine flexibilité—

M^{me} Nathalie Des Rosiers: Sur la capacité française, je pense que tout le monde reconnaît que c'est nécessaire. Est-ce qu'il y a eu des progrès depuis? Je pense qu'il y a un certain engagement de développer la capacité francophone au sein du ministère. Est-ce qu'il y a quelques progrès?

M. Rémi Sabourin: Je vous dirais qu'il y a eu certains progrès à la dernière table. Toutes les personnes, sauf une, parlaient français, mais c'est que la personne qui parlait anglais, c'est la personne qui—

M^{me} Nathalie Des Rosiers: OK, c'est ça la—

M. Rémi Sabourin: C'est ça qui est la problématique. Mais, oui, il y a eu des progrès.

M^{me} Nathalie Des Rosiers: Merci.

Le Président (M. Grant Crack): Merci, monsieur Sabourin et madame Lavoie, de votre présence cet après-midi et d'avoir répondu aux questions.

M. Rémi Sabourin: Merci.

Le Président (M. Grant Crack): Bienvenue, et bonne soirée.

CUPE ONTARIO

The Chair (Mr. Grant Crack): Next on the agenda, we have the president of CUPE Ontario. Mr. Fred Hahn is with us this afternoon. We welcome you, sir, and if you could introduce your guest. I believe it's Ms. Preston. Is that correct?

Mr. Fred Hahn: Yes.

The Chair (Mr. Grant Crack): Great. We welcome you. You have five minutes, and the floor is yours.

Mr. Fred Hahn: Thanks. My name is Fred Hahn. I'm the president of CUPE in Ontario. With me today is Terri Preston. She chairs our school board workers' coordinating committee in the province.

CUPE represents 260,000 workers, all across Ontario, working in municipalities, health care, social services and universities. In school boards, we have 54,000-plus members who work across all four systems: English and French, public and Catholic.

Our members are educational assistants, custodians, office administrators, early childhood educators, tradespeople, instructors, library technicians, speech pathologists, IT specialists, and in many other classifications.

Ms. Terri Preston: Bill 92, the School Boards Collective Bargaining Amendment Act, will have a tremendous impact on our members and the way we bargain. As we note in our written submission, there are sections of Bill 92 that make sense—minor modifications to the current system to improve openness and transparency. The sections that allow for negotiated extensions of collective agreements clearly make sense. Requiring the crown to notify participants at all central tables when an extension with one group has been negotiated is a welcome change. Requiring trustee associations to report on expenditures is consistent with the principles of open and transparent government.

But there are major sections of Bill 92 that we cannot support and that, frankly, don't make sense. The most notable of these is the imposition of mandatory central bargaining on education workers.

Mr. Fred Hahn: Currently, education workers represented by CUPE and other support staff unions have the ability under the School Boards Collective Bargaining Act to determine their participation in central bargaining with the provincial government: They get to vote. This allows individual bargaining units to democratically determine their involvement in a process that falls well outside the direct bargaining relationship they have with their employer. It's a system that works, and in no small part, we believe, because it respects workers' rights.

Under the current system, all but one of CUPE's 111 bargaining units voted to participate in central bargaining with the province. We were able to negotiate a central agreement and just recently also negotiated an extension. Indeed, our members are asking why the provincial government, in those most recent contract extension talks, did not make it clear that legislation forcing mandatory central bargaining on them would be tabled right after those agreements were reached. To many, that does seem suspect.

Ms. Terri Preston: Simply put, making central bargaining mandatory, as Bill 92 seeks to do, will change the very thing that makes the existing system work: the democratic consent of education workers. It facilitated central agreements in the first place, and was absolutely necessary to the negotiation of extension agreements.

This is particularly true for CUPE, which represents the largest group of education workers in the province. CUPE's constitution is premised on local autonomy. In order to participate in central bargaining, CUPE locals, many of whom individually hold their bargaining rights, must decide to vest those rights with a central CUPE bargaining committee.

By stripping away locals' democratic right to decide, Bill 92 interferes not only with the operation of our union, but also with our members' traditional exercise of their free collective bargaining rights. Frankly, given our experience of Bill 115, which just last year was found to have violated these same charter rights, we have no idea why the government is putting forth another piece of legislation that strips education workers of their democratic rights.

Mr. Fred Hahn: Related to the issue of mandatory central bargaining is an amendment that would empower the Ontario Labour Relations Board to order a union to participate in a council of unions for the purpose of central bargaining. Each union has its own structure and practices. Democratic accountability to its members will be eroded if participation in a council not of their choice or their determination is forced on any union. If councils are made mandatory under Bill 92, the Ontario Labour Relations Board cannot be held accountable for the structure or outcome of collective bargaining, stripping union members of their democratic right to decide their own fate.

Ms. Terri Preston: We would also like to flag the addition of a second five-day notice period prior to escalating job action to the point of a strike at one or more schools. The five-day notice period does nothing to facilitate the negotiation of collective agreements. All it does is possibly give employers an extra five days to line up replacement workers, which actually undermines bargaining and makes disputes much more acrimonious.

The five-day notice period should be eliminated, not expanded. The additional five-day notice period may have the unintended consequence of incentivizing off-the-job strike action since the additional notice is only required when job action escalates to off-the-job action.

Mr. Fred Hahn: To conclude, the current system, where workers democratically decide their participation in central bargaining, works. This government has a history of legislative interference in the collective bargaining rights of education workers, and it has been costly. We recommend that the mistakes of the past not be repeated, and we strongly recommend that the portions of the bill that deal with mandatory central bargaining be removed.

Thanks for your time. We'll be happy to take any questions.

The Chair (Mr. Grant Crack): Thank you very much. We shall start with the NDP: Ms. Sattler.

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Ms. Peggy Sattler: Thank you very much for being here today, and for your presentation. Just for clarification, the amendments that you would be urging are around just those two issues: removal of the mandatory

central bargaining and I guess also the mandatory participation in a council of unions and the removal of the additional five-day notice period. Is that correct?

Mr. Fred Hahn: Yes.

Ms. Peggy Sattler: For some historical context, during the discussion on the original School Boards Collective Bargaining Act, was there a conversation at that time about mandatory collective bargaining? Was that something that people were talking about, or do you think that this—did this come because there was a lot of resistance to participation in a central process in the first go-round? Why do you think this appeared, as you mentioned, so unexpectedly in this legislation?

Ms. Terri Preston: We don't know why this appears in the legislation. We've asked the question. We haven't had a fulsome answer. When you have a system that's working in terms of people participating in a process, there doesn't seem to be any need to change the way in which people participate in that process. Frankly, we don't understand why it was changed.

Ms. Peggy Sattler: Right. And how many of your locals did not participate in central bargaining last time?

Ms. Terri Preston: One.

Ms. Peggy Sattler: Just one? Out of?

Mr. Fred Hahn: A hundred and eleven.

Ms. Terri Preston: A hundred and eleven bargaining units.

Ms. Peggy Sattler: Okay. So the issue is not so much participation in central bargaining; the issue is the loss of democratic rights. Have you sought a legal opinion yet at this point as to the charter implications of such a move?

Mr. Fred Hahn: We're in the midst of doing that. What we are quite concerned about, though, is that in the original construction of the legislation that formed this as a law—our union has experience in central bargaining in hospitals, for example. There's no law that mandates that. The parties have decided how that works, and it works quite well.

In this case, we had a law. We made many recommendations, but the one piece that we spoke a great deal about with those who were framing the legislation, the one piece that we spoke a great deal about in any kind of venue where we've been talking about reviewing the legislation, is reinforcing the democratic right of our members and, we believe, education workers broadly, to be able to vote on whether or not they participate. We think that not only makes the system better, but it's fundamental to our members' rights.

Ms. Terri Preston: I would just add that under the current legislation, for us to have a mandatory table, two thirds of our locals representing two thirds of our members must vote in favour in order for us to be mandated a central bargaining table. It's a very high threshold, and it's one that we fought for in terms of amendments when the act was originally constructed. So the right to choose to participate in central bargaining is a fundamental issue for our members.

Ms. Peggy Sattler: Okay. Thank you very much.

The Chair (Mr. Grant Crack): We'll move to the government side: Mr. Anderson.

Mr. Granville Anderson: Thank you both for being here. Sometimes we overlook the value of the work you do in our schools. It's appreciated by myself and all of the members on all sides of the House. You make our schools such a welcoming and accommodating place when we enter a school. It's clean and—among other things you do; I know you're in charge of the secretaries. So thank you and thank your members for doing that.

I listened intently to your presentation around central bargaining. I know you have some issues with it, but how would you discuss, say, salaries, for instance? Wouldn't there be a checkerboard effect and different salary scales throughout the province? Wouldn't you think that would be best if it was centrally bargained for uniformity's sake, for instance?

Mr. Fred Hahn: I guess I would say that our union has been in existence since 1963. For more than 50 years we actually successfully individually bargained collective agreements with individual school boards and individual employers. There's no resistance to central bargaining. In fact, when members are given the democratic option to vote, they have in the past, in the most recent rounds, voted to do so. But the challenge becomes mandating that, because this is a future system that is unknown with a potential future government that we don't know, in a situation that our members need to be able to evaluate in terms of what makes best sense, not just for them but for their communities, for the work they do in our schools. It's why being able to vote on whether or not to participate is so important.

Mr. Granville Anderson: Okay. So your main issue is the way it's being mandated?

Ms. Terri Preston: Yes.

Mr. Fred Hahn: Yes.

Mr. Granville Anderson: You also alluded to the five-day notice period about how the employer may bring in supply workers etc.—but there's another aspect to that. I'm coming from the side of being a trustee and a parent. Wouldn't it be advantageous to give parents the notice so they can make preparations for an impending strike or a lockout? I think that's the intent. It's not to bring in alternate workers to take the position of unionized CUPE workers etc. We're looking at it from the parent—you have to look at that aspect as well. Would you agree—

Mr. Fred Hahn: Of course, many of our members are parents themselves, but the unintended consequence—which we just recently experienced, quite frankly—is that an employer uses those five days to find people to replace the work that ought to be done by our members. The most ideal thing, the thing that we've been quite successful in doing, is actually bargaining collective agreements so that there are no disruptions. But on the rare occasion when things break down, the challenge we have is that this is not just about a notice to parents, this is also about the employer being able to find people to do the jobs that ought to be done by our members.

Mr. Granville Anderson: Agreed. Any of my colleagues, do you have any questions?

The Chair (Mr. Grant Crack): Thank you, Mr. Anderson.

Mr. Granville Anderson: Thank you for your presentation.

The Chair (Mr. Grant Crack): Thank you. You were out of time. So thank you very much.

Mr. Granville Anderson: I'm always out of time.

The Chair (Mr. Grant Crack): We'll move to the official opposition. Mr. Coe.

Mr. Yvan Baker: Well, thanks for the offer. Thanks for nothing.

Laughter.

The Chair (Mr. Grant Crack): Mr. Coe.

Mr. Lorne Coe: Thank you very much for your presentation. My daughter is a teacher with the Durham Catholic school board.

We've heard the government say they're "committed to our labour partners, including teachers' federations, education workers, unions and trustee associations, that our government moved quickly, as the tentative two-year extension agreements we have achieved are conditional on these amendments." That sounds to me more like directing rather than collaborating with stakeholders like you. Do you feel that your consultations with the government were just for show?

Mr. Fred Hahn: We raised a variety of issues. As you've heard from other folks who have been involved in this process, in the first round of central bargaining, there were a variety of issues that people raised. We raised those issues as well, as well as others. What we're trying to do is focus on what we think is the largest problem with a piece of legislation that, quite honestly, in the current configuration of the Legislature—we need to make sure that things can be amended to respect people's democratic rights.

There are lots of different problems in the current system, and there are lots of different problems in the way in which consultation is conducted. We think consultation could be done in a much fuller way, a much more open way and a much more direct way. That said, here we are with a proposed piece of legislation that we think has embedded in it some very real problems.

Mr. Lorne Coe: And as you put it, there are some poison pills that undermine the system as a whole. You still believe that?

Mr. Fred Hahn: Absolutely, yes. It is essential in our minds that our members maintain their ability to have their democratic say over how collective bargaining would unfold, and we think, based on our experience throughout the whole of our union across the country, that mandating this kind of stuff would be a huge mistake.

Mr. Lorne Coe: Thank you very much, Chair.

The Chair (Mr. Grant Crack): Thank you very much. That concludes the questioning aspect. We thank you very much, the two of you, for coming before committee and sharing your insights.

Mr. Fred Hahn: Thanks.

Ms. Terri Preston: Happy International Women's Day.

Mr. Fred Hahn: Yes, indeed.

The Chair (Mr. Grant Crack): Have a great evening. We appreciate it.

Just a couple of things prior to adjournment: I would advise members of the committee that we are scheduled to meet tomorrow from 2 p.m. to 5 p.m. However, as of now, there has not been a delegation registered with the Clerk's office; we have until 10 a.m. tomorrow morning. Otherwise, you may receive notice from the Clerk, through me, that tomorrow's meeting would be cancelled. Therefore, I would also like to also indicate that the deadline for filing amendments will be 12 noon on Monday—we will back in our ridings working diligently. Monday, March 13, at 12 noon for filing amendments.

The final point is that the committee has not provided any direction, or the order of the House did not provide direction, so it's up to the committee, if they would like, to request legislative research to provide a summary of the proceedings here, if that's of interest. I'm sure Mr. McNaught would just be thrilled.

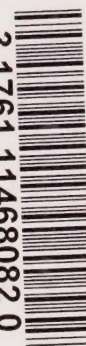
So do we hear a yes? Is there consensus? There is consensus, Mr. McNaught. We look forward to your summary of the proceedings on the public hearings component.

Having said that, I'd like to thank everyone for their participation.

Merci beaucoup à tout le monde qui a participé aujourd'hui. Cette réunion est adjourned.

The committee adjourned at 1720.

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